



**THE REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 2715 OF 2001**  
**IN THE MATTER OF THE ESTATE OF PATRICK NGUGI**  
**KAMANGARA (DECEASED)**

**PETRONILA NYOKABI KIMUHU ..... 1<sup>ST</sup>**

**BENEFICIARY/**

**APPLICANT**

**JACINTA NJERI NGUGI ..... 2<sup>ND</sup>**

**BENEFICIARY/**

**APPLICANT**

**TERESIA WANJIRU KAMAMI ..... 3<sup>RD</sup>**

**BENEFICIARY/**

**APPLICANT**

**DOMINIC MUTHUI NGUGI ..... 4<sup>TH</sup>**

**BENEFICIARY/**

**APPLICANT**

**SALOME WAMBUI NDUNGU ..... 5<sup>TH</sup>**

**BENEFICIARY/**

**APPLICANT**

**VERSUS**

**LAWRENCE NJOROGE NGUGI ..... 1<sup>ST</sup>**

**ADMINISTRATOR/**

**RESPONDENT**

**BENEDICT MURIGI NGUGI ..... 2<sup>ND</sup>**

**ADMINISTRATOR/**

## RESPONDENT

### RULING

1. This ruling relates to the application dated **17<sup>th</sup> July, 2023** filed by the Applicants, Petronila Nyokabi Kimuhu and Jacinta Njeri, seeking for **ORDERS THAT:-**
  1. ***Spent.***
  2. **The grant of letters of administration intestate issued to Lawrence Njoroge Ngugi and Benedict Murigi Ngugi (Deceased) in this cause be revoked and/or annulled.**
  3. **Fresh grant of letters of administration intestate be issued to Petronilla Nyokabi Kimuhu and Jacinta Njeri Ngugi holders of National Identity Numbers 3456525 and 3089745 respectively.**
  4. **Upon issuance of the fresh grant of letters administration intestate, a new and/or corrected certificate of confirmation of grant be issued to the new administrators in terms of the judgment of the court delivered on 14<sup>th</sup> May, 2018.**
  5. **The District Land Surveyor Thika be ordered and or directed to undertake the survey and/or distribution of I. R. No. 1821/13 Thika Municipality and Ngenda/ Karuri/63 as per the judgment issued by the court on the 14<sup>th</sup> May, 2018 and new and/or corrected certificate of confirmation of grant (while taking into**

**account the proposed distribution plans, sketches and/or settlement of the beneficiaries within 30 days and supply both the administrators and the court with a report on the survey and subdivision.**

- 6. The OCS Weitithie Police Station and OCS Karuri Police Station be ordered and/or directed to provide security to the District Land Surveyor Thika at all times during the survey and subdivision of L.R. No. 10821/ 13 Thika Municipality and Ngenda/Karuri/63.**
- 7. The new administrators be directed and/or ordered to administer the estate within 120 days after being supplied with the survey and subdivision report and/ or documents of L.R. No. 10821/13 Thika Municipality and Ngenda/Karuri/63 by the District Land Surveyor Thika and thereafter produce to the court a full and accurate account of the completed administration.**
2. The application is based on the grounds thereof and supported by affidavits sworn by Petronila Nyokabi Kimuhu and Jacinta Njeri Ngugi on **17<sup>th</sup> July, 2023**, Samuel Munyambu on **27<sup>th</sup> September, 2023** and Dominic Muthui Ngugi on **17<sup>th</sup> July, 2023**.
3. Petronila, Jacinta and Dominic aver *inter alia* that they are beneficiaries of the deceased's estate. A grant of letters of administration intestate was issued on **17<sup>th</sup> July, 1998** to

Lawrence Njoroge Ngugi and Benedict Murigi Ngugi, who has since passed away.

4. The deceased was survived by the following beneficiaries: Benedict Murigi Ngugi (deceased), Francis Njenga Ngugi (deceased), Teresia Wambui Kangara (representing the Estate of Richard Kangara Ngugi), Paschali Muya Ngugi, Teresia Wanjiru Kamami, Lawrence Njoroge Ngugi, Dominic Muthui Ngugi, Salome Wambui Ndungu, Petronila Nyokabi Kimuhu and Jacinta Njeri Ngugi.
5. The estate comprises, *inter alia*, the following: L.R. 10821/13 Thika Municipality, Ngenda/Karuri/63, Ngenda/Karuri/T368, Ngenda/Mangu/64, Karuri Rumwe Farmers Plot No. 19, Barclays Bank Thika A/C No. 3600585, shares in Ngenda Location Ranching Company Ltd (Certificates Nos. 01002 and 2853) and ICDC Investment Company Ltd (Certificate No. 03006).
6. The known liabilities are: Patrick Wagatira (2 acres of L.R. 10821/13) and Nyacaba Primary School (1 acre of L.R. 10821/13), donated out of goodwill by the deceased.
7. A judgment on distribution and certificate of confirmation of grant were issued on **14<sup>th</sup> May, 2018**. Over five years have elapsed since issuance, yet the estate remains unadministered. No lawful survey, subdivision, transfer, accounting, distribution of shares nor progression of title processing has been undertaken. Instead, the administrators conducted an illegal and unprocedural subdivision of **L.R. 10821/13**, without registering any mutation or complying with statutory requirements. Requests for clarification were met with intimidation and threats.

8. The administrators allegedly engaged in unlawful sale of portions of **L.R. 10821/13**, resulting in anxiety among some male beneficiaries, who proceeded to sell their purported interests based on the illegal subdivision plan. This conduct has exposed the estate to numerous land disputes, including encroachment by strangers who have now fenced and constructed on parts of the land.
9. That critically, the female beneficiaries have never accessed or derived any benefit from their allocated shares and their constitutional right to property continues to be violated. None of the other estate properties have been lawfully distributed. The Applicants contend that this reflects systemic gender discrimination in inheritance, masked under procedural inaction. Even the one-acre portion donated to Nyacaba Primary School is at risk due to ongoing encroachment.
10. They therefore seek revocation of the current grant, issuance of a fresh grant and corrected certificate of confirmation, and appointment of the District Land Surveyor - Thika to conduct a proper survey and subdivision of **L.R. 10821/13** and **Ngenda/Karuri/63** within **30** days, in compliance with the judgment of **14<sup>th</sup> May, 2018**. Security should be provided by OCS Weitithie and OCS Karuri Police Stations during the process.
11. They further seek that any sale done contrary to the judgment be declared null and void and any alleged purchasers pursue recourse in the Environment and Land Court against the beneficiaries who purportedly sold portions to them. The surviving administrator, Lawrence Njoroge Ngugi, has acted in breach of fiduciary duty and

continues to delay the distribution of the estate to the detriment of all beneficiaries. Only new administrators under strict timelines can resolve the disputes and ensure just administration. The court ought not to be used as a vehicle to perpetuate injustice.

12. Samuel avers *inter alia* that he fully supports the summons for revocation of the grant confirmed on **14<sup>th</sup> May, 2023**, citing gross mismanagement by the administrator who has failed to administer and distribute the estate as required. Although the administrator was fully aware that Mr. Paschali Muya, a beneficiary, had sold land to him and to other purchasers, he deliberately failed to disclose this fact to the mediator, which resulted in the mediator allocating land already occupied by third parties who have long been in possession.
13. He alleges that the administrator and Paschali Muya acted in concert to defraud him by reallocating the parcel of land, originally due to him, to other beneficiaries who were never intended to inherit it, thereby seeking to dispossess him and defeat his claim against Paschali Muya without any compensation.
14. Accordingly, he supports the removal of the administrator and urges that the Director of Land Survey and the Land Registrar be directed to conduct a proper survey and allocate **L.R. No. 10821/13** Thika Municipality to all beneficiaries, taking into consideration the existing settlement patterns and occupation on the ground.
15. The application is opposed vide replying affidavit sworn Lawrence Njoroge Ngugi on **12<sup>th</sup> October, 2023** who avers *inter alia* that the Applicants are his sisters and

beneficiaries of the estate. He states that they have always been aware of and involved in all discussions and developments following confirmation of the grant.

16. He deponed that after issuance of the certificate of confirmation of grant, several family meetings were held to raise funds for subdivision and processing of titles, a process that took considerable time. A surveyor named Bonface Kyalo was engaged in **2019** to commence subdivision and transmission, but was later found to have done no work, forcing the administrators to withdraw instructions and retrieve the documents.
17. In **2020**, the COVID-19 pandemic significantly restricted transactions. In the same year, on **13<sup>th</sup> March, 2020**, they lost Benedict Murigi Ngugi, who was the co-administrator, disrupting the process. Subsequently, on **10<sup>th</sup> September, 2020**, their brother Francis Njenga Ngugi also passed away.
18. As the surviving administrator, he had to allow time for mourning and for the families to agree on substitutes for the deceased beneficiaries. According to him, the Applicants were fully aware of these developments. He denies allegations that he has sold estate property, calling them baseless and unsupported by evidence. He affirms that he cannot alter the court-ordered distribution or deny his sisters their entitlement.
19. To demonstrate diligence, he engaged Geostate Land Surveyors, who prepared a mutation for **L.R. Ngenda/Karuri/63** and a sketch plan for **L.R. 10821/13** Thika Municipality. The estimated cost for subdividing **L.R. 10821/13** is **Kshs. 1,083,500**, but only a small portion

has been raised by the beneficiaries, including the Applicants. He further states that subdivision is a private family exercise, thus handled by a private surveyor, not a government surveyor and must follow the certificate of confirmation; hence allegations of favouritism are unfounded. The family agreed that he should apply for a fresh grant and certificate of confirmation, naming him as sole administrator and providing substitutes for the late Benedict Murigi Ngugi and Francis Njenga Ngugi. The Applicants consented to this and the application was filed on **19<sup>th</sup> June, 2023**, awaiting determination. He therefore asserts that he has not neglected his duties but has been hindered by circumstances beyond his control and has taken proactive steps to move the process forward.

20. Petronila and Jacinta further support the application vide further affidavit sworn on **25<sup>th</sup> October, 2023**. They aver *inter alia* that this succession matter has remained unresolved for over **27** years due to the administrators' failure to act, despite the certificate of confirmation of grant dated **14<sup>th</sup> May, 2018** requiring administration to be completed within **6** months. More than **7** years have passed since the judgment and confirmation, yet the estate remains unadministered, and reliance on the deaths of Benedict Murigi Ngugi on **13<sup>th</sup> March, 2020** and Francis Njenga Ngugi on **10<sup>th</sup> September, 2020**, as well as Covid-19, is baseless since these occurred after the lapse of the administration period and succession was not restricted by pandemic regulations.
21. No lawful subdivision or survey of **L.R. 10821/13** Thika Municipality and **Ngenda/Karuri/63** has been undertaken

and the purported surveyor, Boniface Kyalo of Geostates Land Surveyors, is not registered in the Land Surveyors Board's public records. The annexed mutations bear a forged stamp of Juliko Geospatial Consultants, whose proprietor, through a letter dated **14<sup>th</sup> October, 2023**, disowned any involvement, confirming fabrication and impersonation.

22. The Applicants allege that the surviving administrator, Lawrence Njoroge Ngugi, has knowingly relied on forged documents, facilitated encroachment by strangers, failed to safeguard estate assets, excluded female beneficiaries through misogynistic conduct and failed to account for funds held in Barclays Bank Thika Branch A/C No. **3600858** that were ordered by the court to finance subdivision. Instead, he now demands contributions from beneficiaries, raising suspicion of misappropriation.
23. The Applicants deny consenting to any amended grant naming Lawrence as sole administrator, term the attached consent a forgery and note that he has already been charged in **THIKA CMCC NO. E4987 of 2023: Republic v. Lawrence Njoroge Ngugi** over related complaints. The elderly beneficiaries urgently seek finalization of the matter within their lifetimes to prevent transmission of the dispute to future generations.
24. The Applicant has filed written submissions dated **17<sup>th</sup> June, 2025** citing various authorities in support of their application.
25. The Respondent has filed written submissions dated **31<sup>st</sup> October, 2025** citing various authorities in opposition to the application.

26. The submissions save for the authorities mirrors what is contained in the rival affidavits and for want of time the court sees no reason to reproduce them.

### **ANALYSIS AND DETERMINATION**

27. I have looked at the application before this court the history of the matter as well as the parties' submissions.

28. **In re Estate of Joshua Githiari Kibui (Deceased) [2021] eKLR** the court stated as follows:

**"18. For avoidance of doubt, Section 76 of the Law of Succession Act states as follows:**

**a. "76. Revocation or annulment of Grant**

**b. A Grant of representation, whether or not confirmed, may at any time be revoked or annulled if the court decides, either on application by any interested party or of its own motion—**

**(a) that the proceedings to obtain the Grant were defective in substance;**

**(b) that the Grant was obtained fraudulently by the making of a false statement or by the concealment from the court of something material to the case;**

**(c) that the Grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the Grant notwithstanding that the allegation was made in ignorance or inadvertently;**

***(d) that the person to whom the Grant was made has failed, after due notice and without reasonable cause either—***

**20. Further, In the Matter of the Estate of L A K - (Deceased) [2014] eKLR the court held that;**

***(a) Revocation of grants is governed by Section 76 of the Law of Succession Act. The relevant portions of Section 76 are paragraphs (a), (b) and (c) since the issues raised relate to the process of the making of a grant. A grant may be revoked where the proceedings leading up to its making were defective, or were attended by fraud and concealment of important matter, or was obtained by an untrue allegation of a fact essential to the point.***

**32. The court in the case of Jamleck Maina Njoroge v Mary Wanjiru Mwangi (2015) eKLR at paragraph 11 of its ruling in revoking a grant reiterated the grounds upon which a grant can be revoked. It stated as follows:-**

**a. “11. The circumstances that can lead to the revocation of grant have been set out in Section 76 Law of Succession. For a grant to be revoked either on the Application of an interested party or on the court’s own motion there must be evidence that the proceedings to obtain the grant were defective in substance, or that the grant was obtained fraudulently by making of false statement, or by concealment of something material to the case, or that the**

**grant was obtained by means of untrue allegations of facts essential in point of law.”**

**33. In the case of Matheka and Another vs Matheka [2005] 2KLR 455 the Court of Appeal laid down the following guiding principles as to revocation of grants.**

**(a) “i. A grant may be revoked either by application by an interested party or by the court on its own motion.**

**(b) ii. Even when revocation is by the court upon its own motion, there must be evidence that the proceedings to obtain the grant were defective in substance, or that the grant was obtained fraudulently by the making of a false statement or by concealment of something material to the case or that the grant was obtained by means of untrue allegation of facts essential in point of law or that the person named in the grant has failed to apply for confirmation or to proceed diligently with the administration of the estate.”**

29. This matter concerns the administration of the deceased’s estate, which has remained in abeyance for over **27** years owing to the administrators’ failure to act as required by law. The certificate of confirmation of grant was issued on **14<sup>th</sup> May, 2018** and, pursuant to **Section 76 (d)** of the Law of Succession Act, administration ought to have been completed within **6** months i.e. by **14<sup>th</sup> November, 2018**. Despite this statutory mandate, there has been no lawful subdivision, transmission, distribution or accounting of the

estate's assets thereby exposing the beneficiaries to prolonged uncertainty, land disputes and infringement of their constitutional right to inheritance. The delay is inexplicable and unjustified and the court's judgment remains unimplemented in material respects.

30. The Applicants have provided cogent evidence to demonstrate failure by the surviving administrator to administer the estate diligently, including alleged use of an unlicensed and fictitious surveyor, forged mutation forms, partial and suspicious land sales and lack of transparency regarding funds held in Barclays Bank Thika Branch A/C No. **3600585**, funds which were expressly designated by the court for purposes of subdivision.
31. Under **Section 76** of the Law of Succession Act, concealment of material facts, breach of fiduciary duty and failure to render a full and accurate account of the estate are sufficient grounds for revocation of a grant. The documentary evidence, including the letter from Juliko Geospatial Consultants disowning any survey involvement, supports allegations of impersonation and fabrication, warranting intervention by this court.
32. The surviving administrator's explanation attributing the delay to the Covid-19 pandemic and the deaths of his co-administrator and another beneficiary is untenable, as these events occurred well after the statutory administration period had lapsed. The estate's progressive deterioration and invasion by third parties suggests neglect and collusion, rather than inadvertent delay.

33. **Article 27** of the Constitution prohibits discrimination on gender grounds, and the exclusion of female beneficiaries from meaningful participation in estate affairs, coupled with allegations of misogynistic responses, reflects conduct inconsistent with constitutional principles on equitable distribution.
34. In application of the legal thresholds under **Section 76** of the Law of Succession Act, the grant has become inoperative and ineffective due to subsequent circumstances and mismanagement; the administrator has failed to proceed with administration diligently; there is prima facie evidence of concealment of material facts and probable misappropriation of estate funds; and the beneficiaries, especially elderly ones, risk irreversible prejudice. This court is thus empowered to revoke the existing grant and appoint fresh administrators with strict timelines to safeguard the estate and bring closure to a matter that has lingered far too long within the justice system.
35. In my respectful view no amount of explanations or reasons can convince this court that the respondent has acted in good faith.
36. **Consequently, I find the application merited and direct as follows:-**
- (a) The grant of letters of administration intestate issued to Lawrence Njoroge Ngugi and Benedict Murigi Ngugi (Deceased) in this cause is hereby revoked.**
- (b) Fresh grant of letters of administration intestate is hereby issued to Petronilla Nyokabi**

**Kimuhu and Jacinta Njeri Ngugi holders of National Identity Numbers 3456525 and 3089745 respectively.**

- (c) A new and/or corrected certificate of confirmation of grant is hereby issued to the new administrators in terms of the judgment of the court delivered on 14th May, 2018.**
- (d) The District Land Surveyor Thika is hereby ordered and/or directed to undertake the survey and/or distribution of I. R. No. 1821/13 Thika Municipality and Ngenda/Karuri/63 as per the judgment issued by the court on the 14<sup>th</sup> May, 2018 within 90 days from the date herein.**
- (e) The OCS Weitithie Police Station and OCS Karuri Police Station are hereby ordered and/or directed to provide security to the District Land Surveyor Thika at all times during the survey and subdivision of L.R. No. 10821/13 Thika Municipality and Ngenda/Karuri/63.**
- (f) The new administrators are hereby directed and/or ordered to administer the estate within 120 days after being supplied with the survey and subdivision report and/or documents of L.R. No. 10821/13 Thika Municipality and Ngenda/Karuri/63 by the District Land Surveyor Thika and thereafter produce to the court a full and accurate account of the completed administration.**
- (g) Each party to bear its costs.**

**Dated signed and delivered at Nairobi via video link  
this 27<sup>th</sup> day of November 2025.**

**H K CHEMITEI  
JUDGE**